

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10cv575**

<b>UNITED STATES OF AMERICA,</b>	)	
<b>Ex rel. [Under Seal],</b>	)	
	)	
<b>Plaintiff-Relator,</b>	)	
	)	
<b>Vs.</b>	)	<b>SEALED</b>
	)	<b>ORDER</b>
	)	
<b>[Under Seal],</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the court on plaintiff-relator’s Motion to File All Cases Matters [Materials] Under Seal. A party who seeks to seal any pleading must comply with Local Civil Rule 6.1 (W.D.N.C. 2009). The Local Civil Rule provides in relevant part as follows:

**LCvR 6.1            SEALED FILINGS AND PUBLIC ACCESS.**

**(A) *Scope of Rule.*** This rule shall govern any request by a party to seal, or otherwise restrict public access to, any materials filed with the Court or utilized in connection with judicial decision-making. As used in this rule, “materials” shall include pleadings as well as documents of any nature and in any medium.

**(B) *Filing Under Seal.*** No materials may be filed under seal except by Order of the Court, pursuant to a statute, or in accordance with a previously entered Rule 26(e) Protective Order.

**(C) *Motion to Seal or Otherwise Restrict Public Access.*** A request by a party to file materials under seal shall be made by formal motion pursuant to [LCvR 7.1](#). Such motion shall be filed electronically under the designation “Motion to Seal.” The motion or supporting brief shall

set forth:

- (1) a non-confidential description of the material sought to be sealed;
- (2) a statement as to why sealing is necessary and why there are no alternatives to filing under seal;
- (3) unless permanent sealing is sought, a statement as to the period of time the party seeks to have the material maintained under seal and as to how the matter is to be handled upon unsealing; and
- (4) supporting statutes, case law or other authority.

\* \* \*

(E) **Public Notice.** No motion to seal or otherwise restrict public access shall be determined without reasonable public notice. Notice shall be deemed reasonable where a motion is filed in accordance with the provisions of [LCvR 6.1\(C\)](#). Other parties, interveners, and non-parties may file objections and briefs in opposition or support of the motion within the time provided by [LCvR 7.1](#) and may move to intervene under Fed. R. Civ. P. 24.

(F) **Orders Sealing Documents.** Orders sealing or otherwise restricting access shall reflect consideration of the factors set forth in [LCvR 6.1\(C\)](#). In the discretion of the Court, such orders may be filed electronically or conventionally and may be redacted.

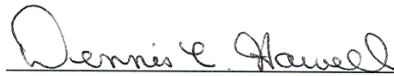
\* \* \*

L.Cv.R. 6.1(W.D.N.C. 2008). In this case, plaintiff-relator has cited the court to 31 U.S.C. § 3730(b)(2), which provides for protection from exposure to defendants and the public of the existence of this False Claims Act *qui tam* action. Having considered plaintiff-relator's motion and reviewed the pleadings, and it appearing that then statutory authority satisfies all requirements of Local Civil Rule 6.1 as well as the requirements of [Media General Operations, Inc. v. Buchanan](#), 417 F.3d 424 (4<sup>th</sup> Cir. 2005), the court enters the following Order.

## ORDER

**IT IS, THEREFORE, ORDERED** that plaintiff-relator's Motion to File All Cases Matters [Materials] Under Seal (#2) is **GRANTED**, and pending further order of this court, this action is **SEALED**, the existence of such case shall in no manner be publicly disclosed, and plaintiff-relator is **GRANTED** leave to file all further materials *in camera*, *ex parte*, and/or under seal without seeking further leave of court, all in accordance with 31 U.S.C. § 3730(b)(2).

Signed: November 18, 2010



Dennis L. Howell  
United States Magistrate Judge



SEALED DOCUMENT with access to Specified Parties/Plaintiff